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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,404	07/05/2000	Barry Richard Cavill	LE9-00-042	4044

21972 7590 07/24/2002

LEXMARK INTERNATIONAL, INC.
INTELLECTUAL PROPERTY LAW DEPARTMENT
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EXAMINER

POON, KING Y

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 07/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09610404			

EXAMINER	
ART UNIT	PAPER NUMBER
10	

DATE MAILED:

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

THE PERIOD FOR RESPONSE:

- a) is extended to run _____ or continues to run _____ from the date of the final rejection
b) expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

Appellant's Brief is due in accordance with 37 CFR 1.192(a).

Applicant's response to the final rejection, filed 7/12/02 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
 - a. There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
 - b. They raise new issues that would require further consideration and/or search. (See Note).
 - c. They raise the issue of new matter. (See Note).
 - d. They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - e. They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE:

2. Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. Upon the filing an appeal, the proposed amendment will be entered will not be entered and the status of the claims will be as follows:

Claims allowed: _____

Claims objected to: 1-20

Claims rejected: _____

However:

Applicant's response has overcome the following rejection(s): _____

4. The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because _____
see attachment

5. The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

The proposed drawing correction has has not been approved by the examiner.

Other

GABRIEL GARCIA
PRIMARY EXAMINER
GABRIEL GARCIA

Art Unit: 2624

Attachment

With respect to applicant's argument that Itoh does not teach one or more second operation on the image in the second format, has been considered.

In reply: Itoh, column 14, lines 1-14, teaches to convert scanned images having an output resolution, and then can be automatically synthesized at a designated position. Moreover, fig. 4, clearly shows that image synthesized process (F4, fig. 4) is using scan images having output resolution. (300DPI). Therefore, the second image (scanned image with resolution) is further processed, (synthesized), according to Itoh.

With respect to applicant's argument that Itoh does not teach the digital print system is one device.

In reply: Fig. 4, of the specification of the present invention, teaches at least a device "controller," and a device "printer" forms the digital printer system. A controller is a separate device and it would be programmed to be used with other systems/devices such as a camera, a car, or a mobile phone. The printer of this invention contains other devices. Therefore, the devices shown in fig. 1, and 2 of Itoh forms a printer.